

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

TRAVELERS CASUALTY AND  
SURETY COMPANY OF  
AMERICA, a Connecticut  
corporation,

CASE NO. 2:23-cv-06301-HDV (AGR<sub>x</sub>)  
**[PROPOSED] JUDGMENT**

**Plaintiff,**

v.  
**JOKAKE CONSTRUCTION  
SERVICES, INC.,** an Arizona  
corporation.

## Defendant.

On August 3, 2023, the Complaint (Document No. 1) in the instant action was filed by Plaintiff TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA (“Travelers”) containing the following causes of action against Defendant JOKAKE CONSTRUCTION SERVICES, INC. (“Jokake”): First Cause of Action for Breach of Contract, Second Cause of Action for Quia Timet, Third Cause of Action for Specific Performance, Fourth Cause of Action for Statutory Reimbursement, and Fifth Cause of Action for Declaratory Relief:

On August 30, 2024, the Court issued an order (Document No. 43) granting Travelers' Motion for Partial Summary as to the First Cause of Action for Breach of Contract (Indemnity Agreement) and Third Cause of Action for Specific

1 Performance (“Motion for Partial Summary Judgment”);

2 On September 20, 2024, Travelers and Jokake (collectively, “Parties”) filed a  
3 Stipulation to Dismiss Without Prejudice the Second, Fourth, and Fifth Causes of  
4 Action from the Complaint (Document No. 44); and

5 On September 24, 2024, the Court issued an order dismissing without  
6 prejudice the Second, Fourth, and Fifth Causes of Action from the Complaint  
7 (Document No. 45).

8 The Court having considered the matter and good cause appearing:

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS  
10 FOLLOWS:

11 1. On Travelers’ First Cause of Action for Breach of Contract (Indemnity  
12 Agreement), judgment is hereby entered in favor of Travelers and against Jokake;

13 2. On Travelers’ Third Cause of Action for Specific Performance,  
14 judgment is hereby entered in favor of Travelers and against Jokake;

15 3. On Travelers’ First Cause of Action for Breach of Contract (Indemnity  
16 Agreement) and Third Cause of Action for Specific Performance, Travelers is  
17 awarded damages against Jokake in the amount of \$25,000,000.00 which consists  
18 of:

19 a. \$12,278,694.68, exclusive of any fees and costs, for net losses  
20 incurred by Travelers through March 13, 2024; and

21 b. \$12,721,305.32 in collateral for future, anticipated losses which  
22 shall be paid by Jokake on or before thirty (30) days hereafter and shall be held and  
23 administered by Travelers pursuant to the provisions of the General Agreement of  
24 Indemnity dated October 3, 2016 (“Indemnity Agreement”). Travelers may use the  
25 collateral to pay itself indemnity for any amounts actually incurred by Travelers  
26 and due from Jokake pursuant to the Indemnity Agreement. Travelers may keep  
27 any unused collateral as security for any liability, loss or expense due to Travelers  
28 from Jokake, or any of them, pursuant to the Indemnity Agreement. Travelers shall

1 release any unused collateral only after all liability or potential liability from Jokake  
2 to Travelers is fully resolved; and

3       4. Travelers is awarded its fees and costs which shall be determined by  
4 post-judgment motion.

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6 IT IS SO ORDERED.

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8 DATED: 9/30/24



9  
10 Honorable Hernán D. Vera  
11  
12 United States District Judge

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